

**RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT  
REPORT**

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**DATE:** July 6, 2005

**TO:** Orange County Planning Commission

**FROM:** Planning and Development Services Department/Land Use Planning Division

**SUBJECT:** Public Hearing on Planning Application PA05-0006 for Use Permit

**PROPOSAL:** Construction of twelve (12) detached single-family dwellings on a lot zoned R4 "Suburban Multifamily Residential" District using the PD "Planned Development" District regulations as permitted by Orange County Zoning Code Section 7-9-110. Each two-story dwelling unit will be on an individual lot, have three-bedrooms plus a family room/loft and a two-car garage. This proposal is associated with Tentative Tract Map No. 16844. Also includes perimeter walls which, viewed from neighboring properties, would be as tall as 11 feet in height.

**LOCATION:** 2586-2588 Santa Ana Avenue. In the Santa Ana Heights area, on Santa Ana Avenue between Monte Vista and University. Second Supervisorial District.

**APPLICANT:** Calco-Santa Ana II, LLC, owner/developer

**STAFF** J. Alfred Swanek, Project Manager [Jim.Swanek@pdsd.ocgov.com](mailto:Jim.Swanek@pdsd.ocgov.com)  
**CONTACT:** Phone: (714) 796-0140 or 834-2626 FAX: (714) 834-4652

**SYNOPSIS:** Land Use Planning Division concludes the proposal is consistent with provisions of the PD "Planned Development" District and recommends Planning Commission approval of PA05-0006 for a Use Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The project site is roughly level and developed with 9 existing apartments with 8,419 sq. ft. of living space constructed between 1955 and 1963, which would be demolished as part of the project. The site is 36,000 square feet in area, measuring 120 feet wide by 300 feet deep. The site is zoned R4 "Suburban Multifamily Residential" and permits single-family and multi-family dwellings. The minimum lot size for single-family dwellings is 7,200 square feet while multi-family dwellings are permitted at a density of one dwelling unit per each 3,000 square feet of land area. The site, which is west of the boundary of the Santa Ana Heights Specific Plan, is subject to the provisions of the Orange County Zoning Code. It should be noted the proposed building sites are located outside the John Wayne Airport 65 CNEL noise contours.

The applicant proposes to raze all existing buildings, grade the site to County standards and construct 12 new single-family dwellings, each on an individual lot. The site is large enough to support 12 multi-family dwellings on one building site under the R4 zoning. These units could be attached or detached. However, the applicant is proposing 12 single-family dwellings on individual building sites. In order to do

this, the applicant would need a project area of 86,000 square feet (12 x 7,200 plus the area needed for access to each lot) in the R4 District. However, the Zoning Code permits development of single-family dwellings on smaller lots using the PD “Planned Development” District regulations contained in Zoning Code Section 7-9-110. The applicant is requesting Planning Commission approval of a Use Permit to permit the construction of 12 single-family dwellings on individual lots as permitted under the PD District development regulations of the Zoning Code. The smallest lot would be 1,985 sq. ft. and the largest lot would be 2,360 sq. ft.

#### **SURROUNDING LAND USE:**

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>
Project Site	R4 “Suburban Multifamily Residential”	Residential, multi-family dwellings
Northeast	R4 “Suburban Multifamily Residential”	Residential, single-family
Southeast	R4 “Suburban Multifamily Residential”	Residential, multi-family dwellings
Southwest	City of Costa Mesa multifamily zoning	Residential, multi-family dwellings
Northwest	City of Costa Mesa multifamily zoning	Residential, multi-family dwellings

#### **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions, and the cities of Newport Beach and Costa Mesa. All technical comments received from other County divisions have been incorporated into recommended conditions of approval. The City of Costa Mesa commented that the proposal was in their sphere of influence, that the proposal did not conform to all of the city site development standards for their comparable zone of R2-Medium Density, and that they could not support its approval (see attached Exhibit 3).

Opposition to the project has been received from several parties (attached), who express concern with density, intensity of use, the loss of privacy that would be associated with more homes, main street width, traffic, noise, inadequate parking in the neighborhood as a whole and meeting City of Costa Mesa zoning.

#### **SUMMARY PROJECT COMPARISON WITH COSTA MESA CITY STANDARDS**

	<u>PA050006</u>	<u>City of Costa Mesa Standards</u>
Minimum Lot Size	1,985	3,000
Average Lot Size	2,237	3,500
Min. Rear Setback	5'	City allows rear setbacks to be as close as 5', provided a “functional rear yard” of ~16' by 25' is retained somewhere on each lot (which occurs only on Lot 7 in this project).

	<u>PA050006</u>	<u>City of Costa Mesa Standards</u>
Min. 2 <sup>nd</sup> Floor Rear Setback	5'	10'
Total Parking per Unit on-site	3.25 (see analysis section below for explanation)	4.0

The Planning Commission has approved other PDs with similar comments expressed by the City:

<u>Year</u>	<u>Project</u>	<u>Location</u>	<u>Min. Lot Size</u>	<u>Min. Rear Setback</u>	<u>Status</u>
1999	PA990041	2368 Santa Ana	2150 sq.ft.	14'	Since annexed
2000	PA000021	2636 Santa Ana	2805 sq.ft.	7'	In County
2001	PA010091	1541 Mesa	1960 sq.ft.	8.5'	In County
2004	PA040050	2622 Santa Ana	1995 sq. ft.	5'	In County
Subject	PA050006	2588 Santa Ana	1985 sq.ft.	5'	Subject

### **CEQA COMPLIANCE:**

Negative Declaration No. PA050006 (Exhibit 2) has been prepared for this proposal. It was posted for public review and became final on May 31, 2005, without appeal. Prior to project approval, the Planning Commission must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

### **DISCUSSION/ANALYSIS:**

The R4 District permits multi-family developments at a density of one dwelling unit (attached or detached) per 3,000 square feet of net lot area without the need for a Use Permit. The R4 District also permits single-family dwellings; however, a building site of 7,200 square feet is required for each building site. By using the PD "Planned Development" District overlay, the density of the project is determined by the underlying zoning, but carries no requirement for individual lot sizes.

Planned Development District Zoning Code Sec. 7-9-110.1 states as follows:

“Purpose and intent.

The purpose of this (PD) district is to provide a method whereby land may be developed utilizing design features which take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood.

The regulations of this district are intended to produce planned development projects which meet standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation. These regulations are intended to be utilized only for integrated planned development projects and should not be utilized for the establishment of individual land uses or structures unless they would become an integral part of an existing planned development.”

Sec. 7-9-110.6 states as follows:

“Site development standards.

The following site development standards are in addition to the site development standards of the base district unless otherwise stated below.

- (a) Building site area: For planned developments, the project net area shall be used. The size, location, and configuration of individual lots shall be determined by the required use permit and the tract map for the project.
- (b) Building site coverage: For planned developments, there shall be no maximum building coverage for any individual site. However, the project net area shall not exceed the following building coverage:
  - (1) Forty (40) percent for residential projects.
  - (2) Twenty-five (25) percent for office and commercial projects.
  - (3) Thirty-five (35) percent for industrial projects.
- (c) Area per unit: For residential planned developments, there shall be no minimum land area per unit for any individual site. However, the project net area shall have an average land area per unit no less than the minimum area per unit required by the base district or per section 7-9-126.1. (Note: This is normally designated by a number following the district symbol "PD" and enclosed in parenthesis on the zoning district map.)
- (d) Number of dwelling units: The project net area divided by the minimum land area per dwelling unit will determine the maximum number of permitted dwelling units for the project.
- (e) Building setbacks. For planned developments, building locations need not satisfy the base district setback regulations but shall be determined by the approved use permit. Building locations shall be dimensioned on the use permit plans including distances between buildings and distances from streets and common driveways.”

The Zoning Code provides no specific guidance as to how large any individual Planned Development lot must be, nor where principal and accessory structures may be located on those lots. For this PD proposal, the individual lots range in size from 1,985 square feet to 2,360 square feet. Overall building coverage would be 32%.

Tentative Tract Map 16844 is being processed concurrently to create the 12 individual building sites and one common lot. Access to the proposed homes is from a 24 feet wide access road off Santa Ana Avenue, narrowing to 20' wide for the two units at the end of the “T”. None of the proposed homes take direct access from Santa Ana. The homes nearest the front of the site are setback 20' feet from the ultimate right of way of Santa Ana Avenue, with the exception of a small living area on one (labeled “media” on the plans) at 18'. Staff recommends its elimination (see Condition 7).

The smallest rear yard setbacks would be 5' for four units, 6' for an additional five units, ranging up to 14' for a single unit (Lot 7). The smallest side yard setbacks would be 3' for a small media space next to a fireplace on most of the units, otherwise there would be a quite-typical 5' side yard setback. The smallest front setback off the common drives would be 2.5' for architectural wing walls on two units, otherwise 4 - 7' for living area. The rear yards of the nine homes on either side of the access drive will back up against buildings on adjoining properties themselves no more than 5' from the shared property line. Although this seems to offer only minimal opportunities for privacy, the situation is in fact identical

to that approved by the Commission on October 26, 2004 in PA040050, with the same developer and the same plans, a few lots away. Also, note the optional language under Condition 7 to reflect what was added for said project.

It should be noted that, in order to provide proper drainage from the rear of the lot to Santa Ana Avenue in the front, as much as 5 feet of fill will be required toward the rear of the lot. The lots of other property owners to the rear drain to a storm drain, which this property cannot use because it is already at the limits of capacity. There will be a building site elevation difference of as much as 5 feet, and to place 6 foot tall screening perimeter walls around this complex then means that some adjacent property owners would be looking at 11 foot tall walls on their side. The Planning Commission is requested to evaluate the aesthetic impacts of these walls as part of its action.

Parking requirements for a Planned Development are based on the standards for single family dwellings. The Zoning Code requires a 2-car garage or carport, with a standard driveway in front but provides, in Section 7-9-145.3(d)(1) that, where a driveway is less than 17' long, one additional uncovered one space per unit must be available anywhere it is legal to park within 200 feet (since driveways need only be 10' wide, there is no requirement for the space in front of a garage to be wide enough to park two additional cars to begin with, only one).

In this case, there are 8 homes needing the additional one space per unit (4 have driveways long enough and wide enough (18'x18' unobstructed) to park two additional cars in each). There are 4 spaces on Santa Ana Avenue across the street, while 4 of the 7 open spaces "tucked into" the project itself satisfy the rest. Staff has verified that the 4 spaces across the street on Santa Ana were NOT counted as part of the required parking for any other project, either by the County or the City of Costa Mesa. The 3 remaining open spaces would then meet the guest parking requirement of all 12 units, at .2 guest spaces per unit, or  $.2 \times 12 = 2.4$ .

Were the project to be regarded as multifamily, as if these were detached condominiums rather than single family homes, the on-site parking requirement under Zoning Code Section 7-9-145.3(d)(3)-(4) would be a minimum of 2.7 spaces per unit (3.2 if the family room were regarded as a "potential" fourth bedroom), or a total of 32 spaces. Since, under this formula, no spaces in a driveway are counted and neither is nearby on-street parking, the project would provide 12-2-car garages equals 24 spaces plus 7 open spaces = 31, and they would be one short.

The City of Costa Mesa has a higher standard of .5 guest spaces per unit. Under their standard, 3 more open spaces would be needed than are provided by the project.

As was the case with the recent (and identical) PA040050, the following condition of approval is recommended:

"Prior to the recordation of the tract map, the applicant shall submit documentation meeting the satisfaction of the Manager, Land Use Planning that the Homeowners Association's CC&Rs contain the following regulations regarding the site's on-site parking for both garage spaces and open parking spaces:

- 1) The garages will only be used for the parking of the homeowner's private automobiles. The garages shall not be used for storage or other uses that would prevent the parking of two (2) vehicles.

- 2) The open parking spaces will only be used for parking of licensed automobiles owned by the homeowners or their guests. The open parking spaces shall not be used for storage of any type of boat, trailer, non-operative automobile, or similar use.

Said CC&Rs should also contain a method of enforcement of the garage and open parking space regulations above. Prior to issuance of the first use and occupancy permit, the applicant shall submit documentation to the Manager, Land Use Planning that the CC&Rs have been recorded.”

The Commission is asked to find that the proposed off-street parking facilities comply with the intent of the County Zoning Code’s Off-street Parking Regulations (Section 7-9-145).

It is noted that the site is currently developed with 9 existing apartments with 8,419 sq. ft. of living space constructed between 1955 and 1963, which would be demolished as part of the project. Said 9 units would be lost as rental housing for the area. This is an area in transition from older rental apartments or “bungalows” to new upscale ownership products, including one new detached project across Santa Ana Avenue in the City. While the County does not have a breakdown for the “Costa Mesa” unincorporated area, the surrounding City of Costa Mesa itself is nearly 60% renter-occupied (2000 Census figures) and nearly 40% apartment or condominiums. Attached single family homes make up another 10% of the City’s housing stock (State Department of Finance 2005 statistics). These figures suggest there are several thousand purpose-built apartments in the general area of this project, with likely as high a concentration as in any other part of the County.

#### **SUMMARY:**

All homes in this project are two-story, each with three-bedrooms plus a loft, and two-car garages equipped with remote controlled sectional garage doors. No two homes in a row would present exactly the same façade. The total height of each home is 26 feet.

As originally structured, a proposal using the PD District regulations offered single-family detached homes on smaller lots with usable common open space adjacent to the residential development area. However, in recent years, the PD District has been used to create smaller lots with a measure of usable private open space on each lot. The Commission approved an identical project by the same builder on October 26, 2004 under PA040050, at nearby 2622 Santa Ana Avenue.

The Commission is asked to find that the proposal meets the purpose and intent of the PD District, i.e., that this project represents “an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood” and meets “standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation”.

The Commission is also asked to find the proposal meets the purpose and intent of the base R4 District (Sec. 7-9-79.1), or that the project is consistent with “high-density multi-family residential neighborhoods with a moderate amount of open spaces. Only those uses are permitted that are complementary to and are compatible with such a residential neighborhood.”

The Commission is also asked to find that: “The height and location of the walls as proposed will not result in or create a traffic hazard, and the location, size, design and other characteristics of the walls will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.”

Lastly, the Commission is asked to make the generic finding under Sec. 7-9-150.3 (e) (1) d. that: “The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.”

**RECOMMENDED ACTION:**

Resources and Development Management Department/Land Use Planning Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA05-0006 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager  
Land Use Planning

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Negative Declaration PA050006
3. City of Costa Mesa Letter
4. Site Plans
5. Comment Letters received to date

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Resources and Development Management Department.